

REMARKS

Claims

Claims 13–15 are currently under examination with claims 1–12, 16, and 20 withdrawn due to restriction/election and claims 17–19 cancelled without prejudice or disclaimer.

Claims 21–25 are added by this paper.

Claim amendments

The amendment of claims 1 and 3 is supported by the disclosure contained in, for example, Examples 1–17 of the originally-filed specification and the sequence listing page. It is respectfully submitted that the amendments do not raise new matter.

New claims 11–20 are drawn to the elected species, for example, an isolated UGPPase polypeptide and method of using said polypeptides. New claims 11–14 are supported by, for example, the disclosure contained in Examples 11 and 12 of the instant application. Support for new claims 15–18 can be found in, for example, the disclosure contained in Example 13. New claims 19–20 are supported by the disclosure contained in, for example, page 3, lines 15–24 and Example 8 of the specification.

Restriction/election

In response to the Restriction Requirement dated March 27, 2007, Applicants timely elected, with traverse, Group II. See, the Response to the Restriction Requirement filed June 29, 2007.

In response to the election of species requirement, Applicants hereby elect, with traverse, a polypeptide encoded by a polynucleotide of SEQ ID NO: 1.

The Patent Office is courteously requested to reconsider the Restriction Requirement, inasmuch as it is submitted that the entirety of the present claims possess unity of invention under 37 C.F.R. §1.499. The PTO has not established that it would be an undue burden on the Examiner to carry out a search. “If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention.” (Emphasis added.) See, M.P.E.P. § 803. Accordingly, it is respectfully submitted that the restriction be withdrawn.

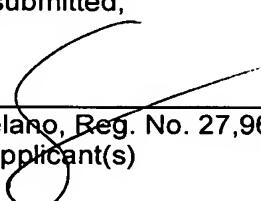
Applicants respectfully submit that at a minimum, the restriction requirement should be modified to combine Group III (claim 16), drawn to a method of using the claimed compounds for the diagnosis and/or treatment of allergies, and Group IV (claim 20), drawn to a method of making the claimed compounds. “If a product claim is found allowable, process claims that depend from or

otherwise require all the limitations of the patentable product may be rejoined." See M.P.E.P. § 806.05. Therefore, a modification to the existing restriction requirement is respectfully requested.

For all of the above reasons, it is urged that the restriction requirement should be withdrawn, in total. Favorable action is earnestly solicited.

No fees are believed to be due with this response; however, the Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,


Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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